

PROB 12A  
(6/21)

**United States District Court**  
**for**  
**District of New Jersey**  
**Report on Individual Under Supervision**

Name of Individual Under Supervision: Antoine Waiters

Docket Numbers: 17-00361-001  
17-00362-001  
17-00363-001  
PACTS #: 2066842

Name of Sentencing Judicial Officers: THE HONORABLE JAMES KNOLL GARDNER  
UNITED STATES DISTRICT JUDGE (ED/PA)

THE HONORABLE LEGROME D. DAVIS  
UNITED STATES DISTRICT JUDGE (ED/PA)

THE HONORABLE CYNTHIA M. RUFÉ  
UNITED STATES DISTRICT JUDGE (ED/PA)

Name of Assigned Judicial Officer: THE HONORABLE SUSAN D. WIGENTON  
UNITED STATES DISTRICT JUDGE  
(Jurisdiction Transferred 9/5/17)

Date of Original Sentence: 05/27/2010

Original Offense: Count One: Possession With Intent to Distribute Five Grams or More of Cocaine Base ("Crack"), 21 U.S.C. § 841(a)(1) and (b)(1)(B)  
Count Two: Possession With Intent to Distribute Five Grams or More of Cocaine Base ("Crack") Within 1,000 Feet of a School, 21 U.S.C. § 860  
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Count One: Failure to Appear, 18 U.S.C. § 3146(a)(1), (b)(A)(i)  
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Count One: Conspiracy to Distribute 50 Grams or More of Cocaine Base ("Crack"), 21 U.S.C. § 846

Original Sentence: Imprisonment – 78 Months; Supervised Release – 8 Years  
Imprisonment – 18 Months (Consecutive); Supervised Release – 3 Years  
Imprisonment – 135 Months (Concurrent); Supervised Release – 5 Years (Concurrent)

Special Conditions: Fines - \$2,500, \$1,000, \$1,500, Alcohol/Drug Testing and Treatment, Financial Disclosure, No New Debt/Credit

Type of Supervision: Supervised Release

Date Supervision Commenced: 06/20/2017

**NONCOMPLIANCE SUMMARY**

The individual under supervision has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	The individual under supervision has violated the mandatory supervision condition which states ' <b>The defendant shall not commit another federal, state, or local crime.</b> '
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On April 15, 2021, Waiters was arrested by New York City Police Department and charged with Criminal Obstruction of Breathing after his ex-girlfriend filed a temporary restraining order accusing Waiters of choking her until she almost lost consciousness, throwing her to the floor, and spitting on her face. The matter remains pending in Manhattan Criminal Court with a court appearance scheduled for December 16, 2021.

- 2           The individual under supervision has violated the mandatory supervision condition which states **'The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.'**

On November 3, 2021, Waiters tested positive for marijuana when the undersigned officer met with him for the first time at his residence. During a follow-up meeting with Waiters on November 19, 2021, he was negative for illicit substances to include marijuana.

- 3           The individual under supervision has violated the mandatory supervision condition which states **'If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.'**

Waiters was ordered to pay a total of \$5,000 in fines between his three cases. To date, Waiters has paid \$250 toward the said fines with his last payment being January 22, 2020.

#### U.S. Probation Officer Action:

Mr. Waiters was being supervised in the Southern District of New York due to residing in Manhattan, New York since November of 2020. On November 1, 2021, the undersigned officer became aware that Mr. Waiters had returned to his mother's residence, located in Piscataway, New Jersey, after the Southern District of New York sent a letter advising our office of the April 15, 2021, domestic incident outlined above. The undersigned officer met with Mr. Waiters on November 3, 2021, in order to investigate his living situation and address noncompliance. Mr. Waiters continues to attest that his ex-girlfriend is falsely accusing him and that he intends to dispute the charges. It should also be noted that since June of 2020, Mr. Waiters has been in mental health counseling at St. Mark's Place Institute for Health in New York, NY, and sees Anthony Weiss, LMSW who reports Mr. Waiters is compliant with his treatment at this time.

Mr. Waiters also admitted to having smoked marijuana two weeks prior to the undersigned officer meeting with him at the residence on November 3, 2021. The undersigned officer provided Mr. Waiters an opportunity to provide a negative drug screen shortly after the initial meeting to show that he was not, in fact, continuing to consume marijuana. When the undersigned officer, along with Supervising U.S. Probation Officer, Sharon O'Brien, met with Mr. Waiters at his residence on November 19, 2021, he was negative for all illicit substances. During this meeting, Mr. Waiters' lack of payments was addressed. He acknowledged understanding that he will need to begin to make payments toward the referenced fines.

At this time, due to Mr. Waiters just recently returning to the District of New Jersey, the Probation Office requests the opportunity to try to work with Mr. Waiters on regaining compliance with the conditions of supervision. Should noncompliance continue, the Court will be notified promptly and a formal Violation of Supervised Release will be filed.

Respectfully submitted,

SUSAN M. SMALLEY, Chief  
U.S. Probation Officer

*Carly T. Schultz*  
By: CARLY T. SCHULTZ  
U.S. Probation Officer

/ cts

APPROVED:

*Sharon O'Brien December 3, 2021*

SHARON O'BRIEN Date  
Supervising U.S. Probation Officer

*Please check a box below to indicate the Court's direction regarding action to be taken in this case:*

- ☒ No Formal Court Action to be Taken at This Time (as recommended by the Probation Office)  
☐ Submit a Request for Modifying the Conditions or Term of Supervision  
☐ Submit a Request for Warrant or Summons  
☐ Other



Signature of Judicial Officer

December 3, 2021

Date